

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

HSBC BANK PLC, *et. al.*,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 09-01364 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP and defendants Thema Fund Limited (“Thema Fund”), Thema Wise Investments Limited (“Thema Wise”), Lagoon Investment Limited (“Lagoon”), and Hermes International Fund Limited (“Hermes”), by and through their respective counsel (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 5, 2010, the Trustee filed an amended complaint in the above-captioned adversary proceeding in which he asserted claims against Thema Fund, Thema Wise, Lagoon and Hermes (the “Claims”).

2. On June 27, 2017, the parties entered into agreements to settle the Claims.

3. On July 24, 2017, this Court entered an Order approving the settlement agreement between the Trustee, on the one hand, and Thema Wise and Thema Fund, on the other hand (the “Thema Settlement”) (ECF No. 466). The Thema Settlement provides for the release of the Claims as against Thema Wise and Thema Fund.

4. On July 24, 2017, this Court also entered an Order approving the settlement agreement between the Trustee, on the one hand, and Lagoon and Hermes, on the other hand (the “Lagoon Settlement”) (ECF No. 467). The Lagoon Settlement provides for the release of the Claims as against Lagoon and Hermes.

5. In accordance with Rule 7041 of the Federal Rules of Bankruptcy Procedure and Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal with prejudice of the Claims, with each party bearing its own costs, attorneys’ fees, and expenses.

6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

7. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and

the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: August 7, 2017
New York, New York

DEBEVOISE & PLIMPTON LLP

BY: /s/ Joseph P. Moodhe
Joseph P. Moodhe
jpmoodhe@debevoise.com
Shannon Rose Selden
srselden@debevoise.com
919 Third Avenue
New York, New York 10022
(212) 906-6386

Attorneys for Defendants Thema Fund Limited, Thema Wise Investments Ltd., Lagoon Investment Limited, and Hermes International Fund Limited

BAKER & HOSTETLER LLP

BY: /s/ Oren J. Warshavsky
Oren J. Warshavsky
owarshavsky@bakerlaw.com
Geoffrey A. North
gnorth@bakerlaw.com
45 Rockefeller Plaza
New York, NY 10111
(212) 589-4200

Attorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and the Estate of Bernard L. Madoff

SO ORDERED

Dated: August 7th, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE